

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: TESTOSTERONE)	Master Dkt. Case No. 1:14-cv-01748
REPLACEMENT THERAPY)	
PRODUCTS LIABILITY LITIGATION)	MDL No. 2545
)	
This document relates to all cases)	Honorable Matthew F. Kennelly

**JOINT STATUS REPORT REGARDING THE
SECOND AUXILIUM BELLWETHER TRIAL CASE**

Pursuant to Case Management Order 79 (Dkt. # 2254), the parties submit this joint status report to inform the Court that the parties agree that the Second Auxilium Bellwether Trial Case shall be *Schleck v. Endo Pharmaceuticals, Inc.et al*, case no. 1:15-cv-09712. Pursuant to CMO 79, jury selection in *Schleck* shall commence on April 9, 2018.

Pursuant to CMO 79, if *Schleck* is disposed of before trial on a motion for summary judgment or otherwise, *Cunningham v. Auxilium Pharmaceuticals, Inc.*, case no. 16-cv-01058, will be substituted as the Second Bellwether Trial Case to be tried starting on April 9, 2018.

Auxilium's Position Regarding The Second Bellwether Trial Case

Auxilium believes that *Schleck* is an appropriate Bellwether Trial Case because it is representative of other Testim cases pending in this MDL because of Mr. Schleck's Testim use, age, injury suffered, and certain risk factors. Mr. Schleck suffered a myocardial infarction on January 11, 2014 at age 62 and used Testim for approximately sixteen months. Mr. Schleck's risk factors included obesity, hypertension, hyperlipidemia, and a prior history of cardiac problems.

PSC's Position Regarding The Second Bellwether Trial Case

The PSC believes that Schleck is the more appropriate Bellwether Trial Case out of the two remaining selections because it is in part representative of other Testim cases pending in this MDL because of Mr. Schleck's Testim use, age, injury suffered, and certain risk factors. Mr. Schleck suffered a myocardial infarction on January 11, 2014 at age 62 and used Testim for approximately twelve months prior to his injury. Mr. Schleck's risk factors included hypertension, hyperlipidemia, a prior history of cardiac problems, and being overweight.

Respectfully submitted,

/s/ Andrew K. Solow

Andrew K. Solow
ARNOLD & PORTER
KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019-9710
(212) 836-7740
Email:
Andrew.Solow@arnoldporter.com

***Counsel for Defendants Auxilium
Pharmaceuticals, LLC.***

/s/ Michael A. London (with
permission)

Michael A. London
Douglas & London
59 Maiden Lane
6th Floor
New York, NY 1003
(212) 566-7500
mlondon@douglasandlondon.com

Plaintiff Steering Committee

CERTIFICATE OF SERVICE

I, Andrew K. Solow, hereby certify that on February 14, 2018, the foregoing **JOINT STATUS REPORT REGARDING THE SECOND AUXILIUM BELLWETHER TRIAL CASE** was filed via the Court's CM/ECF system, which will automatically serve and send notification of such filing to all registered attorneys of record.

Dated: February 14, 2018

/s/ Andrew K. Solow

Andrew K. Solow